



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.27905 and 28326 of 2018
and W.M.P.Nos. 32458 and 33037 of 2018

P.Santhalingam ... Petitioner (in both W.Ps)

-Vs-

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore District,
Coimbatore.
3. The Revenue Divisional Officer cum Sub-Collector,
Coimbatore (North),
Coimbatore.
4. The Tahsildar,
Coimbatore (North),
Coimbatore.
5. S.Thamburaj
6. V.Santhi
7. M.Ramapraba
8. S.Palanisamy
9. Dr.L.P.Thangavelu
10. Santhi Thangavelu
11. K.Dharmalingam
12. S.Angathal
13. M.Lakshmanan
14. Lakshmi ... Respondents (in both W.Ps)

Prayer in W.P.No.27905 of 2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring that deletion of



the petitioner's name as joint pattadhar in Patta numbers 1137, 946, 734, 112, 1028, 1029, 956, 870, 1215, 1207, 1206, 749, 935, 936, 881, 1205, 1007, 755, 119, 325, 308, 158, 838, 816, 355, 536 and 742 in respect of the properties in Survey No.2/3 etc having total extent of 41.83 acres in Vilankurichi Village in Coimbatore (North) Taluk in Coimbatore District as illegal, null and void and consequentially direct the second respondent to conduct the enquiry as per notice dated 12.10.2018 only after restoring the petitioner's name as joint-pattadhar in the said pattas.

Prayer in W.P.No.28326 of 2018:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Ceterari, calling for the records pertaining to the impugned order in N.K.19233/2018/C1 dated 15.10.2018 on the file of the second respondent and quash the same.

W.P.No.27905 of 2018

For Petitioner : Mr.P.Wilson
Senior Counsel for Mr.S.Shankar

For R1 to 4 : A.Selvendran,
Special Government Pleader

For R8 and 11 : A.Bharathi

For R 12 : Kandan Doraisami

For R5 to 7 and R 14 : No Appearance

W.P.No.28326 of 2018

For Petitioner : Mr.P.Wilson, Senior Counsel
for Mr.S.Shankar

For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

For R12 : Mr.Kandan Doraisami
For R5, R8, R9,

R10 and R11 : No Appearance

COMMON ORDER

These Writ Petitions have been filed for declaration, declaring that deletion of the petitioner's name as joint pattadhar in Patta numbers 1137, 946, 734, 112, 1028, 1029, 956, 870, 1215, 1207, 1206, 749, 935, 936, 881, 1205, 1007, 755, 119, 325, 308, 158, 838, 816, 355, 536 and 742 in respect of the properties in Survey No.2/3 etc having total extent of 41.83 acres in Vilankurichi Village in Coimbatore



(North) Taluk in Coimbatore District as illegal, null and void and consequentially direct the second respondent to conduct the enquiry as per notice dated 12.10.2018 only after restoring the petitioner's name as joint-pattadhar in the said pattas and to call for the records pertaining to the impugned order in N.K.19233/2018/C1, dated 15.10.2018 on the file of the second respondent and quash the same.

2. Heard Mr.P.Wilson, learned Senior Counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.Kandan Doraisami, learned counsel appearing for the 12th respondent.

3. The writ petition in W.P.No.28326 of 2018 has been filed challenging the impugned order dated 15.10.2018 passed by the second respondent herein, thereby stayed the proceedings of the third respondent, dated 19.05.2018.

4. The property comprised in Patta Numbers 1137, 946, 734, 112, 1028, 1029, 956, 870, 1215, 1207, 1206, 749, 935, 936, 881, 1205, 1007, 755, 119, 325, 308, 158, 838, 816, 355, 536 and 742 in respect of the properties in Survey No.2/3 etc having total extent of 41.83 acres in Vilankurichi Village in Coimbatore (North) Taluk in Coimbatore District. The petitioner derived the title by the settlement deed, dated 07.09.1940 registered vide Document No.3407 of 1940 by the father of the petitioner herein in favour of the petitioner's grand mother on condition that the said property to be conveyed to the male child born to his father. The petitioner being the only male child, he is entitled to have the entire property as per the settlement deed, dated 07.09.1940. However, the respondents 5 to 14 herein included their names in the Revenue records including the Patta for the above said property.

5. Therefore, the petitioner filed a representation before the third respondent to include his name as a joint-pattadhar. The third respondent conducted an enquiry and passed an order dated 19.05.2018 thereby ordered to include the petitioner's name as joint-pattadhar. As per the order passed by the third respondent, the fourth respondent included the petitioner's name and issued joint Patta. The proceedings dated 19.05.2018 was challenged by the 12th respondent herein by way of revision as contemplated under Section 13 of the Patta Passbook Act before the second respondent.

6. On receipt of the same, the second respondent had issued notice to the petitioner and the respondents 5 to 14 herein, dated 12.10.2018. However, on 15.10.2018, the second respondent passed an interim order thereby stayed the proceedings of the order passed by the third respondent dated 19.05.2018.



7. That apart, the third respondent issued summons to the petitioner and the respondents 5 to 14 herein, dated 12.10.2018 and stated that the enquiry to be conducted on 22.10.2018. Whereas, the second respondent passed an impugned order on 15.10.2018 without hearing the petitioner and without even jurisdiction to pass an interim order.

8. In this regard, it is relevant to extract the provisions under Section 13 of the Patta Passbook Act.

13. Revision: Any officer of the Revenue Department not below the rank of District Revenue Officer authorised by the Government, by notification, in this behalf for such area as may be specified in the notification, may of his own motion or on the application of a party call for and examine the records of any, Tahsildar or appellate authority within his jurisdiction in respect of any proceeding under this Act and pass such orders as he may think fit:

Provided that no such order prejudicial to any person shall be made unless he has been given a reasonable opportunity of making his representation.

Accordingly, no order prejudicial to any person shall be made unless he has been given reasonable opportunity of making his representation.

9. Admittedly, the second respondent without hearing the petitioner, and without conducting any enquiry, passed the interim order. Thereby, stayed all further proceedings of the third respondent, dated 19.05.2018. As per the order passed by the third respondent, the fourth respondent deleted the petitioner's name from the joint Patta.

10. In view of the above, the impugned order dated 15.10.2018 cannot be sustained as against the petitioner and it is liable to be quashed. Accordingly, the impugned order in N.K.19233/2018/C1, dated 15.10.2018 of the second respondent is hereby quashed.

11. Insofar as W.P.No.27905 of 2018 is concerned, the fourth respondent is directed to include the name of the petitioner as Joint Pattadhar and directed to maintain the status quo in respect of the mutation of revenue records in respect of the subject property in Patta numbers 1137, 946, 734, 112, 1028, 1029, 956, 870, 1215, 1207, 1206, 749, 935, 936, 881, 1205, 1007, 755, 119, 325, 308, 158, 838, 816, 355, 536 and 742 in respect of the properties in Survey No.2/3 etc having total extent of 41.83 acres in Vilankurichi Village in Coimbatore (North) Taluk in Coimbatore District, till the disposal of the revision pending before the second respondent herein.



12. The second respondent is directed to issue fresh notice to the petitioner and the respondents 5 to 14 herein within a period of two weeks from the date of receipt of a copy of this order. After giving them an opportunity of hearing and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

13. With the above directions, both the writ petitions are allowed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

mn

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore District,
Coimbatore.
3. The Revenue Divisional Officer cum Sub-Collector,
Coimbatore (North),
Coimbatore.
4. The Tahsildar,
Coimbatore (North),
Coimbatore.

+2ccs to Mr.S.Shankar, Advocate SR.No.58896

+2ccs to Mr.Muthu Mani Doraisami, Advocate SR.No.58969

+1cc to Mr.M.Sriram, Advocate SR.No.5857

+1cc to Government Pleader SR.No.59031

W.P.Nos.27905 and 28326 of 2018
and W.M.P.Nos. 32458 and 33037 of 2018

KSM(CO)

<https://hcservices.courts.gov.in/hcservices/>
GM (29/11/2021)